



# Legal Services

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## Family Law

Marriage and Divorce in Cook County, Illinois



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**DATE ISSUED:** January 2024

# Marriage



## Marriage in Cook County, Illinois

A legal Illinois marriage requires three steps. It must be “licensed, solemnized, and registered.” The County Clerk’s office issues licenses and registers marriages once a couple performs a wedding. The State license and registration are required because marriage is a contract between the spouses and the state. The following information is specific to getting married in Cook County. Requirements may vary from county to county, please reference the respective government websites for details.

### Step One: Marriage License\*

Before getting married in Chicago or suburban Cook County, couples must obtain a marriage license from the Cook County Clerk’s office.

*\*Marriage Equality has been the law in Cook County since February 21, 2014, allowing same-sex couples to apply for marriage licenses. It took effect throughout all of Illinois on June 1, 2014. For further Marriage Equality information, visit:*

<https://www.cookcountyclerk.il.gov/vital-records/marriage-civil-union/marriage-equality>

### Applying

Couples must appear together at one of the Cook County Clerk’s six [locations](#) to:

- complete\* and sign a marriage license application
- present valid identification with proof of age
- pay the marriage license fee of \$60



# Marriage

Previously divorced applicants must provide the date the divorce was finalized upon applying for a marriage license. Applicants who have divorced within the last six months must provide a certified copy of their divorce decree.

\*Note: Couples may also choose to begin the application online by filling out the [form](#) on the Clerk's website, then complete the remaining process in person at an office location.

## Timelines and Restrictions

Marriage licenses are:

- issued while you wait
- effective the following calendar day after they are issued
- valid for 60 days
- effective only in Chicago and suburban Cook County

Additional information is available on the Clerk's site, including details on eligibility, exceptions, and links to supplementary resources.



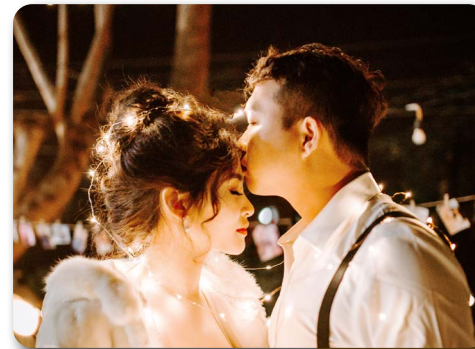
## Step Two: Marriage Ceremony (Wedding)

Weddings in Illinois can be performed by an officiant who may be:

- Judges or retired judges
- A county clerk in a county having at least 2,000,000 people (e.g., Cook County)
- A public official whose duties include performing weddings
- A then-governing mayor or president of a city, village, or town
- In accordance with the prescriptions of any religious denomination

## Marriage or Civil Union Ceremonies in Chicago

Beginning May 1, 2023, Chicago marriage or civil union ceremonies are no longer required to be held in-person. Virtual ceremonies can be scheduled Wednesday through Friday, 9:00am to 12:00pm and 2:00pm to 4:00pm. Parties require a marriage license from the Cook County Clerk, a valid form of identification, plus a fee. Call (312) 603-5660 to schedule Zoom ceremonies.



# Marriage

## Step Three: Marriage Certificates

The Cook County Clerk's Office is the official record keeper for marriages, civil unions and domestic partnerships in Chicago and suburban Cook County. Cook County Vital Records provides copies of these documents to eligible individuals upon request.

After the marriage ceremony takes place, the marriage license should be filed with the Clerk's Bureau of Vital Records. The officiant performing the ceremony completes and signs the marriage license and returns it to the Clerk's Office. Once the marriage license is successfully recorded, the Clerk's Office can issue certified copies of your marriage certificate upon request. Please note that Marriage Certificates are NOT automatically sent to couples.



# Divorce

## Divorce in Cook County, Illinois

Divorce is the legal process of ending a marriage. If one spouse wants to end a marriage, the spouse can file for divorce in court. You can get a divorce without a lawyer, but it can be difficult, especially if you have minor children or substantial marital property. The time it takes to get a divorce can vary significantly, depending on the type of divorce and the conditions of each specific case. Below, we will talk about the types of divorce and the general court process for divorce in Cook County. Specific requirements may vary from county to county, please refer to the respective court websites for details.

## Types of Divorce

### Contested Divorce

A contested divorce is when the couple cannot agree on something relating to the divorce, including whether the spouses wish to proceed with divorce. A contested divorce can take more than 18 months to be resolved. A divorce is contested if spouses disagree about:

- Whether to get a divorce
- Where the children should live
- Where a family pet should live
- How much child support should be paid
- How property should be divided
- Who should pay certain debts
- Whether "maintenance" or spousal support (alimony) should be paid

# Divorce

## Uncontested Divorce

An uncontested divorce is when both spouses agree on all of these matters. A judge must still approve the agreement. The terms must be reasonable and cover the support of the children, if applicable. Uncontested divorces are usually faster than contested divorces, but they can still take 6 months or more to be resolved.

If one spouse (Petitioner) files for divorce and the other spouse (Respondent) does not reply by filing an Appearance and Response, it will be an uncontested divorce. The case will go on without the Respondent, and the court will make decisions based on what the Petitioner says.

## Joint Simplified Divorce

Some cases may qualify for a joint simplified divorce, which is an expedited uncontested divorce process. The spouses must meet the following legal requirements:

1. One spouse must be a resident of Illinois for the past 90 days
2. The length of marriage must be less than 8 years
3. The married couple must have no children during the marriage and are not pregnant while proceeding with divorce
4. Both spouses must agree with all divorce terms
5. The married couple must have lived separated for at least 6 months, and agree to end their marriage due to irreconcilable differences
6. Neither spouse owns real property
7. The total value of any other property acquired during marriage, minus debts, must be less than \$50,000

8. The married couple cannot hold any retirement benefits jointly. The combined value of retirement benefits held individually by either spouse must be less than \$10,000.
9. Both spouses must agree to divide all marital property worth more than \$100.
10. Both spouses must agree to divide all debts that were taken on during the marriage.
11. Individually, spouses cannot make more than \$30,000 per year each, before taxes. Together, both cannot make more than \$60,000 per year, before taxes.
12. Each spouse must not depend on the other spouse for financial support. Both spouses must agree to waive the right to support after the divorce.

If you meet all of the qualifications above, you and your spouse can file a petition together for joint simplified divorce. You must file court forms and appear in court together.

**Cook County:** Use the Joint Simplified Divorce Form on the [Clerk of the Circuit Court of Cook County website](#) to create your petition.

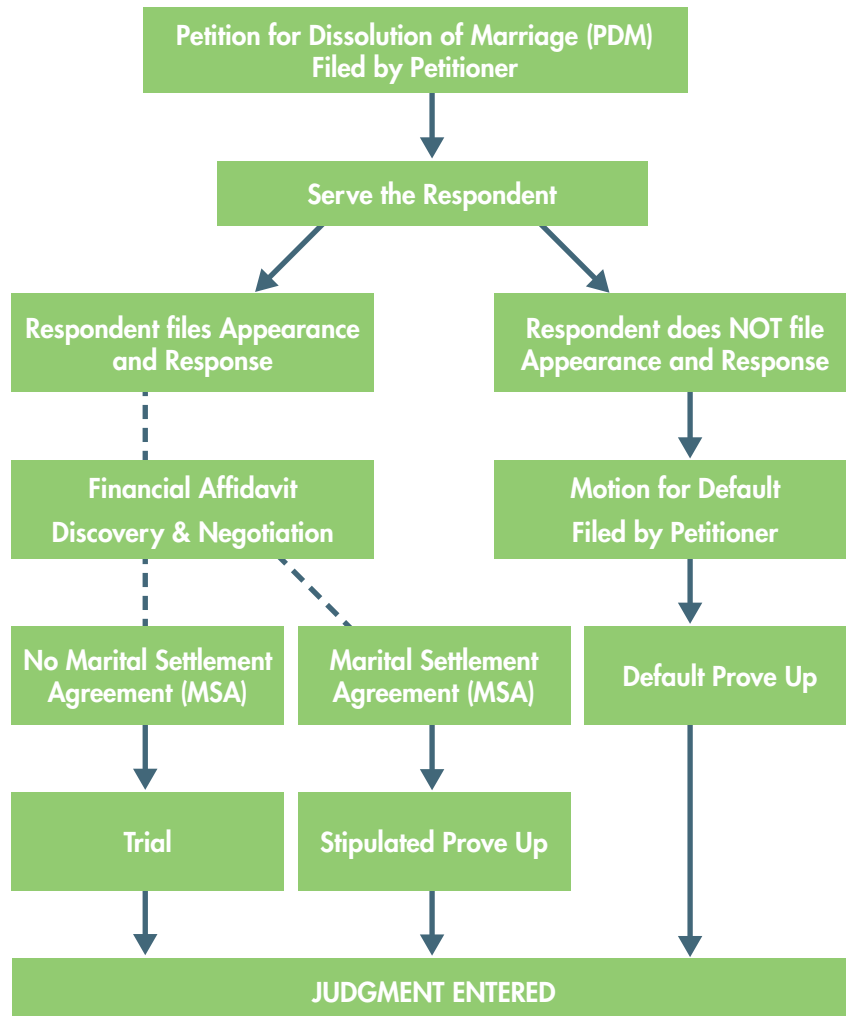
**Other Counties:** Check with your local circuit court clerk for the forms you need.



# Divorce

## Divorce Case Process

### Illinois Divorce Case Process Flowchart



### Step 1: E-File the Petition for Dissolution of Marriage or Civil Union

The divorce process starts with a Petition for Dissolution of Marriage (PDM). One spouse (Petitioner) or their attorney needs to E-file the PDM in a County Circuit Court where the Petitioner or the other spouse (Respondent) has resided for at least 90 days. As of July 1, 2018, E-Filing became mandatory in Illinois for all civil cases, including divorce cases.

### Step 2: Serve the Respondent

The Petitioner needs to serve the Summons and PDM to the Respondent and file a Proof of Service with the court. The Service can be done by a court sheriff, a special process server, or by publication in a newspaper of general circulation in the area where the Respondent is likely to be if the Respondent cannot be located. The judge cannot proceed with a divorce case if the Petitioner doesn't properly serve the Respondent and file the proof of service.

### Step 3: Appearance and Response

The Respondent or their attorney has 30 days upon receipt of the Summons (date of service) to file an Appearance and Response with the court indicated in the Summons. There is a fee for filing an Appearance and Response. If the Respondent is financially eligible to waive a court fee, they can file an Application for Waiver of Court Fees with the court while filing the Appearance and Response.

### Step 4: Marital Settlement Agreement

If the Respondent or their attorney files an Appearance and Response, both parties will start with filing a Financial Affidavit and

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negotiating a Marital Settlement Agreement (MSA), which should cover parental responsibilities, maintenance, marital property, and debt division.

## **Step 5: Prove-up Hearing/Trial**

If negotiation between the parties fails and an MSA cannot be reached, the case will go to trial, and a judge will decide on the disputes.

If both parties reach an MSA, the Petitioner or Respondent will file a Motion for a Stipulated Prove Up Hearing. The judge will hear the Petitioner and Respondent's testimonies regarding court jurisdiction, PDM, and MSA, then sign a divorce judgment with MSA attached.

If the Respondent fails to file an Appearance and Response within 30 days after being served, the Petitioner can proceed with a Motion for Default and ask for a Default Judgment. The judge will then decide the case based solely on the Petitioner's requests and testimony.

## **Step 6: Divorce Judgment/Decree and Records**

At the end of a divorce case, the judge will issue an order called a "decree" or "judgment," which officially ends the marriage. The Domestic Relations Division of the Clerk of the Circuit Court holds the records for dissolution (divorce), legal separation, invalidity for both marriages and civil unions, and allocation of parental responsibilities and parenting time or visitation non-parent. Illinois divorce records are public unless otherwise sealed. Divorce records may be found online or at Circuit Court Clerk Offices.

## **Language Resources**

Please note that language services are available for individuals with limited English proficiency. Court Interpreters must be ordered upon request, and it is best to put in requests to the judge or courtroom coordinator at least one week in advance to secure an interpreter in time for divorce court hearings.

## **What is Decided in a Divorce**

The divorce judgment or decree issued by the judge will cover the issues below:

### **Property and Pets**

If the spouses cannot agree on the division of marital property, the judge will divide the spouses' property between them. This includes money, belongings, real estate, and investments. A spouse going through divorce can also petition for custody of a family pet. The judge will then decide which spouse will get custody. The judge can take into account the best interests of the pet.

### **Children**

If the spouses cannot agree on parental responsibilities ("custody") regarding minor children (under age 18), the judge will decide. The terms "custody" and "visitation" are no longer used in Illinois divorce cases. Parental responsibilities are now covered in three categories: decision-making power, parenting time, and child support.

# Divorce

- **Making Decisions**

One type of parental responsibility is the power to make decisions about how to raise a child. Judges and lawyers call this “significant decision-making responsibility.” This includes the areas of education, healthcare, after-school activities, and religion.

- **Parenting Time**

Parenting time is the time a child spends with a parent. The judge usually gives both parents some parenting time, but time is not always equal. Usually, the child lives mostly with one parent and has regular contact with the other parent (this used to be called “visitation”).

- **Child Support**

Unless the parents agree on the amount of child support, the judge will decide how much money the other parent will pay for the child’s expenses. To calculate the amount of child support, consider both parents’ income, overnight stays, cost of child care, extracurricular expenses, etc. You can use the [IL Child Support Estimator](#) from the Illinois Department of Healthcare and Family Services (HFS) website to get an estimate on child support.

- **Parenting Education**

Parents must attend a court-authorized, parenting education program before the judge decides parental responsibilities. This class teaches parents methods to avoid hurting their

children during the divorce. Both parents must take this class within 60 days after the first meeting with the judge. Some courts may allow parents to take the parenting class online. Contact your local circuit court clerk’s office for information about a court-approved course. You should also see if you qualify for a fee waiver, as well as how to get a “Certificate of Completion” to prove you have taken the class. The Center for Divorce Education has a list of available options. Some counties may require you to file your Certificate of Completion with the court. You should ask the judge’s coordinator whether you need to file your Certificate of Completion.

## **Maintenance**

A judge can order one spouse to pay the other spouse money on an ongoing basis after a divorce. This is called “maintenance”, also previously known as “spousal support” or “alimony.”

The purpose of maintenance is to help the receiving spouse support themselves after the divorce and help them maintain the standards of living they had during the marriage. However, the judge is not required to order maintenance. The court generally expects people who are able to work to find a job and support themselves.



# Divorce

The judge will consider the following things when deciding on maintenance:

- Income and property
- Needs
- Earning potential, now and in the future
- Time spent doing household duties
- Time and money needed to get a job, or the training and education required for a job
- Lifestyle during the marriage
- Length of marriage
- Age
- Physical and emotional conditions
- Any agreements between the spouses

The judge will not make their decision based on how well either spouse has behaved during the marriage. This means the judge will not consider things like infidelity or domestic violence when deciding on maintenance.

## Debt

“Marital debt” means debts that a couple incurs while they are married. Spouses are responsible for each other’s expenses for the family during their marriage. Even if a debt was only in one spouse’s name, creditors can still come after either spouse for it. An ex-spouse is not responsible for the other ex-spouse’s pre-marital and post-divorce debts.

# Local Resources

## Cook County Clerk’s Office

Cook County Clerk’s Office webpage on Marriage and Civil Unions

- [cookcountyclerk.com/vital-records/marriage-civil-union](https://cookcountyclerk.com/vital-records/marriage-civil-union)



# Local Resources



[CASLservice.org/Legal](https://CASLservice.org/Legal)

## CASL Legal Services

If you have any questions about the contents of this brochure or if you would like to consult an attorney, contact CASL Legal Services at (888) 764-6125 or request an appointment through our website. Eligibility for services is based on income and residency.



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